SINGLE BENCH (3)

(5)

CF/100/—

IN THE HIGH COURT OF JUDICATURE AT

BILASPUR (C.G.)

W.P.S NO. 4356 /2006

PETITIONER : Jay Shree Kesharwani
Aged about 31 years
D/o. Shri Deenbandhu Kesharwani
R/o. Dhangar Deepa, Raigarh Tahsil and District Raigarh (C.G.), presently posted as Patwari, Tahsil Raigarh, District Raigarh (C.G.)

P.R. No. 4392/06
Presented by Shri D.N. Yadav
dated 11/8/06

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VERSUS

RESPONDENTS
1. The State of Chhattisgarh
Through – the Secretary
Department of Revenue
D.K.S. Bhawan Raipur (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG 07 98
10/08/06
Bilaspur Chhattisgarh

2. The Collector
Raigarh, District Raigarh (C.G.)

3. Sub-Divisional Officer (R)
Raigarh, Tahsil and District
Raigarh (C.G.)

4. Santosh Kumar Sahu
Posted as Patwari in Tahsil Office
Sarangarh, District Raigarh (C.G.)

(4)
(6)

WRIT PETITION UNDER ARTICLE 226/227 OF THE

CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P.4356/06..... **सन् 200**

(43)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	18.8.2006 Mr. R. Pradhan, Advocate for the petitioner. Mr. Sumesh Bajaj, Govt. Adv. for the State on advance copy. Heard. By the instant petition the petitioner has challenged her transfer order dated 6.7.2006 (Annexure P-1) whereby she has been transferred from Raigarh to Sarangarh on the administrative ground. The main grievance of the petitioner is that she has been transferred just to adjust respondent No.4. It is settled law that an employee is entitled to challenge his/her transfer order only when the same is outcome of malafide or passed against the statutory rules. Perusal of the petition shows that the petitioner has not been able to make out a case that she has been transferred only to accommodate respondent No.4. Merely by writing against the name of respondent No.4 that he has been transferred on his own expenses does not indicate that the petitioner herein has been transferred in order to accommodate respondent No.4. Learned counsel for the petitioner submits that as per transfer policy the petitioner cannot be transferred before completion of 3 years tenure. In the first instance the transfer policy is not a statutory rules, therefore, it is not enforceable at law. Moreover, it has been mentioned in the policy that as far as possible an employee should not be transferred before completion of 3 years, it is not mandatory that no employee can be transferred before completion of 3 years' tenure. Therefore, the petition is devoid of merit, same is liable to be dismissed and it is hereby dismissed. Consequently, M.(W.)P. No.3371/06 also stands dismissed. In view of this order, I.A. No.7919/06 stands disposed of. **Sd/-** **L.C.Bhadoo** **Judge**	

23-8-06